

JAMES ARNOLD GUNNINGS, JR.  
Petitioner,  
  
v.  
  
UNITED STATES OF AMERICA  
  
Respondent.

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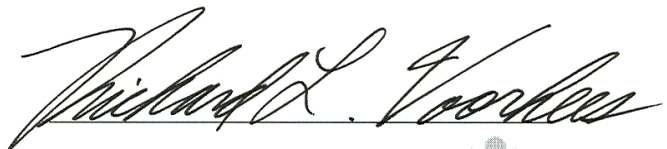
one of five factors the Bureau of Prisons must consider in making a *nunc pro tunc* designation. See 18 U.S.C. § 3621. This Court reviews the decision of the Bureau of Prisons for abuse of discretion. *Barden v. Keohane*, 921 F.2d 476, 478 (3rd Cir. 1991).

On August 17, 2010, after analyzing the factors as set forth in 18 U.S.C. § 3621, the Bureau of Prisons determined that a *nunc pro tunc* designation was not appropriate. Specifically, the Bureau of Prisons noted that the nature of Defendant's offense and Defendant's prior criminal history weighed against a *nunc pro tunc* designation while the recommendation of this court weighed in favor of said designation.

Having reviewed the decision of the Bureau of Prisons, this Court finds that the Bureau of Prisons did not abuse its discretion in denying Defendant's request for a *nunc pro tunc* designation.

**NOW, THEREFORE, IT IS ORDERED** that Defendant's Petition for Declaratory Relief Pursuant to *Nunc Pro Tunc* Designation be, and hereby is, DENIED.

Signed: February 2, 2011

A handwritten signature in black ink, reading "Richard L. Voorhees", written over a horizontal line.

Richard L. Voorhees  
United States District Judge

